

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

DANNIELLE BRUNER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-16-1371-D
	)	
MIDLAND FUNDING, LLC, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

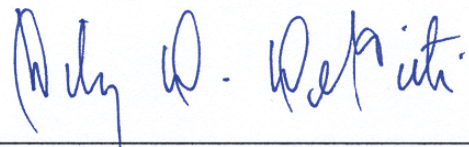
Before the Court is Defendant Experian Information Solutions, Inc.’s Application for Attorneys’ Fees and Expenses [Doc. No. 106], filed pursuant to the Order of March 23, 2018 [Doc. No. 101], and Fed. R. Civ. P. 37(a)(5)(A). The March 23 Order granted a motion of Defendant Experian Information Solutions, Inc. (“Experian”) to compel Plaintiff to answer interrogatories and produce documents, and determined that Experian should recover reasonable costs and attorney fees incurred in making the motion. Experian now requests an award of \$4,846.16, which represents 26.2 hours of attorney time at hourly rates of \$150 and \$190, and copying and mail expenses of \$28.16. The Application is supported by the declaration of one of Experian’s attorneys, David Silva, and a detailed description of legal work performed in filing the motion to compel. Experian proposes that the award be made against Plaintiff’s lead counsel, Brian L. Ponder.

Plaintiff and her counsel have made no timely response to the Application, and pursuant to LCvR7.1(g), the Court deems the Application confessed. For this reason, and because Experian makes a reasonable request, the Court finds that the Application should

be granted and that Plaintiff's lead counsel, Brian L. Ponder, should be ordered to pay Experian's expenses incurred in making the motion to compel. Specifically, the Court finds that Mr. Ponder's conduct necessitated the motion to compel, like similar conduct that previously resulted in an award against him and the dismissal of Defendant Trans Union LLC. *See* Order of Feb. 28, 2018 [Doc. No. 99]; Order of March 23, 2018 [Doc. No. 102]. Further, the Court finds that the amount of time spent by Experian's attorneys and their hourly rates are reasonable, and that the lodestar method yields an appropriate award. Therefore, the Court finds that Mr. Ponder should be required to pay Experian the reasonable sum of \$4,846.16.

IT IS THEREFORE ORDERED that Defendant Experian Information Solutions, Inc.'s Application for Attorneys' Fees and Expenses [Doc. No. 106] is GRANTED. Plaintiff's lead counsel, Brian L. Ponder, shall pay \$4,846.16 to Defendant Experian Information Solutions, Inc. by delivery of a check or other appropriate form of payment to Experian's attorneys within 21 days from the date of this Order.

IT IS SO ORDERED this 25<sup>th</sup> day of April, 2018.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE